

Elizabeth Ortiz, Bar No. 012838
Executive Director
Arizona Prosecuting Attorneys'
Advisory Council
1951 West Camelback Road, Suite 202
Phoenix, AZ 85015-3407
(602) 542-7222 / FAX (602) 274-4215
Elizabeth.Ortiz@apaac.az.gov

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

**PETITION TO AMEND RULE 23.1
OF THE RULES OF CRIMINAL
PROCEDURE**

Supreme Court No. R-17-0014

**COMMENT OF
THE ARIZONA PROSECUTING
ATTORNEYS' ADVISORY
COUNCIL**

The Honorable Sam Myers, Maricopa County Superior Court Criminal Department Presiding Judge, has proposed a change to Rule 23.1, Arizona Rules of Criminal Procedure, that would allow a verdict form to be signed by the jury foreperson in alternative ways. Under the proposal, either the jury foreperson would affix his or her signature to the verdict form, or they would write their juror number and initials on the form. The intent of this change is to protect jurors' privacy from public access and prevent possible disclosure of confidential juror information. The Arizona Prosecuting Attorneys' Advisory Council ("APAAC") has considered the proposed change and ardently supports it. The proposal is consistent with the polling requirements in Rule 23.4 and *State v. McIntosh*, 213 Ariz. 579, 146 P.3d 80 (App.

1 2006), which found that the supreme court's intent is to protect jurors' privacy in the
2 polling process. In addition, the proposal is nearly identical to the Supreme Court's
3 adoption of rule 49(d)(2), Arizona Rules of Civil Procedure, which recently took
4 effect. The change is a common-sense and expedient approach to ensuring the
5 authentication of jury verdicts while at the same time protecting the privacy interests
6 of Arizona jurors. APAAC urges the Supreme Court to adopt the rule change
7 proposed in this petition.
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10 RESPECTFULLY SUBMITTED this 24th day of April, 2017.
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13 /s/ Elizabeth Ortiz

14 Elizabeth Ortiz, #012838

15 Executive Director

16 Arizona Prosecuting Attorneys'

17 Advisory Council

18 Electronic copy filed with the
19 Clerk of the Arizona Supreme Court
20 this 24th day of April, 2017.
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23 by: D. Cooney
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